

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)
)
Plaintiff,)
)
v.) C.A. No. 05-084-JJF
)
Warden THOMAS CARROLL, C/O)
BAMBI THOMAS, C/O JAMES)
GARDELS, C/O THOMAS SEACORD)
)
Defendants.)

AFFIDAVIT OF THOMAS SEACORD

I, Thomas Seacord, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for 16 years. My duties include area Lieutenant of the S.H.U. Complex. I have held this position since January 2003; currently I am a Classification Officer and have held this position since August 2005.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding inmate Monty Pepper's legal phone calls.
3. The procedure for an inmate requesting legal phone calls to an attorney involves three steps. First, the inmate writes the attorney's name and phone number on a piece of paper, there are no specific forms for requesting legal phone calls, and the inmate then gives the paper to the lead worker, usually a Sergeant and then forwards the request to the Lieutenants office. Second, the Lieutenant then calls the attorney to set up a time for the attorney and inmate to speak on the

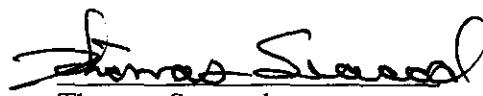
phone. This is done to ensure that the attorney will be available when the inmate is taken from his cell to the room where he can speak privately with the attorney. After the phone appointment has been scheduled, the inmate is notified. At the time of the appointment, the connection is made with the attorney and the inmate is taken to a recreation room where he can have a private conversation.

4. In the autumn of 2004, inmate Pepper gave me a legal call request with the number for the Public Defender's office. He did not have the name of specific attorney listed. I called the Public Defender's office and was told that they never heard of Monty Pepper and no attorney was assigned to his case.

5. I relayed the response from the Public Defender's office to inmate Pepper and told him that if he could provide the name and phone number of a specific attorney, then a legal call could be arranged for him. Inmate Pepper never contacted me again about making legal phone calls.

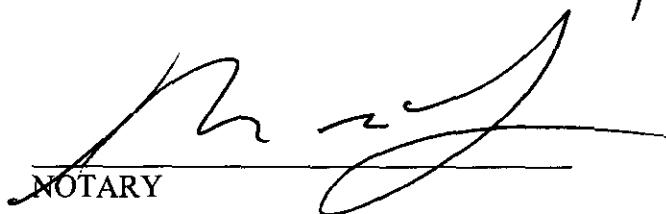
6. Inmate Pepper continues to have access to legal phone calls if he has an attorney who will accept his calls.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.



Thomas Seacord

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF January
2006.



NOTARY